

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order:

CHAIRMAN RON STOKER, on January 19, 2009 at 9:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Deborah Kottel, Vice Chairman (D)
Rep. Ken Peterson, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Gerald Bennett (R)
Rep. Anders Blewett (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. David Howard (R)
Rep. Krayton Kerns (R)
Rep. Margaret MacDonald (D)
Rep. Edith (Edie) McClafferty (D)
Rep. Mike Menahan (D)
Rep. Michael More (R)
Rep. Keith Regier (R)
Rep. Diane Sands (D)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: None.

Members Absent: None.

Staff Present: Jennifer Eck, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 177, 1/16/2009; HB 176,
1/16/2009
Executive Action: HB 102

HEARING ON HB 177

Opening Statement by Sponsor:

00:01:41 REP. DEBORAH KOTTEL (D), HD 20, opened the hearing on HB 177, Define conditional discharge of an imposed sentence.

[EXHIBIT\(juh12a01\)](#)

Proponents' Testimony:

00:06:27 Chairman Stoker
00:06:41 Steve Cape, Chairman of Opening Doors
00:11:32 Chairman Stoker
00:11:42 Pam Bunke, Department of Corrections
00:15:15 Chairman Stoker
00:15:25 Craig Thomas, Executive Director, Board of Pardons and Parole

[EXHIBIT\(juh12a02\)](#)

00:15:51 Chairman Stoker
00:16:01 Mr. Thomas
00:19:07 Chairman Stoker
00:19:16 Chris Christiaens, founder of Opening Doors
00:21:31 Chairman Stoker

Opponents' Testimony: None

Informational Testimony: None.

Questions from Committee Members and Responses:

00:22:01 Rep. Peterson
00:22:52 Mr. Thomas
00:23:41 Rep. Peterson
00:24:06 Mr. Thomas
00:24:14 Rep. Peterson
00:24:16 Chairman Stoker
00:24:20 Rep. Regier
00:24:28 Chairman Stoker
00:24:36 Rep. Regier
00:24:51 Rep. Kottel
00:25:22 Rep. Regier
00:25:24 Chairman Stoker
00:25:32 Rep. Menahan
00:27:19 Ms. Bunke
00:27:46 Rep. Menahan
00:27:55 Ms. Bunke

00:27:57 Rep. Menahan
00:28:02 Chairman Stoker
00:28:08 Rep. Wagner
00:28:18 Chairman Stoke
00:28:26 Rep. Wagner
00:29:00 Mr. Christiaens
00:32:47 Chairman Stoker
00:32:50 Rep. MacDonald
00:33:00 Chairman Stoker
00:33:01 Rep. MacDonald
00:33:27 Ms. Bunke
00:33:32 Chairman Stoker
00:33:43 Ms. Bunke
00:35:48 Chairman Stoker
00:35:52 Rep. MacDonald
00:36:03 Ms. Bunke
00:36:35 Chairman Stoker

Closing by Sponsor:

00:36:49 Rep. Kottel
00:38:48 Chairman Stoker

HEARING ON HB 176

Opening Statement by Sponsor:

00:38:58 **REP. DEBORAH KOTTEL (D), HD 20**, opened the hearing on
HB 176, Expungement of certain criminal records.
[EXHIBIT\(juh12a03\)](#)
[EXHIBIT\(juh12a04\)](#)

00:45:53 Chairman Stoker

Proponents' Testimony:

00:46:08 Steve Cape, Chairman of Opening Doors
00:49:41 Chairman Stoker
00:49:47 Jill Isakson-Cape, Opening Doors
00:51:59 Chairman Stoker
00:52:19 Dr. Jerry McKinney, Opening Doors
00:55:00 Chairman Stoker
00:55:11 Nancy Lien Griffen, President, Madison Lumber Co.
01:01:07 Chairman Stoker
01:01:17 Scott Crichton, Executive Director, American Civil
Liberties Union of Montana
01:01:29 Chairman Stoker
01:01:34 Mr. Crichton

01:01:36 Chairman Stoker
01:01:38 Mr. Crichton
01:05:53 Chairman Stoker

Opponents' Testimony:

01:06:19 Kelsen Young, Executive Director, Montana
Coalition Against Domestic and Sexual Violence
[EXHIBIT\(juh12a05\)](#)

01:10:00 Chairman Stoker

Informational Testimony:

01:10:32 Nancy Sweeney, Lewis and Clark County Clerk of District
Court
01:15:17 Chairman Stoker
01:15:27 Mary Phippen, Montana Association of Clerks of District
Court and the Montana Magistrates Association
[EXHIBIT\(juh12a06\)](#)

01:17:03 Chairman Stoker

Opponents' Testimony:

01:17:10 Mike Batista, Department of Justice
01:18:17 Chairman Stoker
01:18:34 Pam Bunke, Department of Corrections
01:19:07 Chairman Stoker

Questions from Committee Members and Responses:

01:19:46 Mr. Niss
01:21:55 Chairman Stoker
01:21:59 Rep. Blewett
01:23:11 Chairman Stoker
01:24:21 Rep. Blewett
01:24:27 Chairman Stoker
01:24:34 Rep. Wagner
01:24:47 Chairman Stoker
01:24:52 Ms. Lien Griffen
01:24:55 Rep. Wagner
01:25:26 Ms. Lien Griffen
01:26:42 Chairman Stoker
01:26:49 Rep. Blewett
01:27:18 Chairman Stoker
01:27:26 Rep. Kottel
01:28:44 Rep. Peterson
01:28:52 Chairman Stoker

01:28:56 Ms. Bunke
 01:28:58 Rep. Peterson
 01:30:18 Ms. Bunke
 01:31:31 Rep. Peterson
 01:31:54 Chairman Stoker
 01:31:58 Rep. Menahan
 01:32:08 Chairman Stoker
 01:32:15 Rep. Menahan
 01:33:17 Mr. Batista
 01:33:22 Rep. Menahan
 01:33:37 Mr. Batista
 01:33:43 Rep. Menahan
 01:34:26 Mr. Batista
 01:34:34 Chairman Stoker
 01:34:41 Rep. Bennett
 01:35:02 Ms. Bunke
 01:35:30 Rep. Bennett
 01:35:36 Ms. Bunke
 01:35:42 Rep. Bennett
 01:35:45 Chairman Stoker

Closing by Sponsor:

01:35:53 Rep. Kottel
 01:39:08 Chairman Stoker

[Recess: mikes muted.]

01:56:04 Chairman Stoker

EXECUTIVE ACTION ON HB 102

01:56:31 **Motion:** Rep. Peterson moved that **HB 102 DO PASS.**
 01:56:40 Chairman Stoker
 01:57:02 Rep. More
 01:57:19 Chairman Stoker
 01:57:37 Rep. Howard
 01:57:44 Mr. Niss
 01:58:34 Rep. More
 01:58:44 Chairman Stoker
 01:58:49 Rep. Peterson
 01:58:54 Chairman Stoker
 01:58:57 **Vote:** Motion carried unanimously by roll call vote.

Discussion:

02:01:05 Chairman Stoker
02:02:31 Rep. Driscoll
02:02:38 Chairman Stoker
02:03:26 Rep. Ebinger
02:03:29 Chairman Stoker
02:03:49 Rep. Kottel
02:03:59 Chairman Stoker
02:04:14 Rep. Kottel
02:04:18 Chairman Stoker
02:05:37 Rep. Ebinger
02:05:42 Chairman Stoker

ADJOURNMENT

02:06:15 Adjournment

JENNIFER ECK, Secretary

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Additional Exhibits:

[EXHIBIT\(juh12a07\)](#)

Additional Documents:

[EXHIBIT\(juh12aad.pdf\)](#)